

**From:** Cooperman, Jonathan  
**To:** [Rauch, Anne](#)  
**Cc:** [Miller, Patricia G.](#); [Guerry, William M.](#)  
**Subject:** RE: Clean Water Act Inspection Report  
**Date:** Wednesday, April 19, 2017 12:13:07 PM  
**Attachments:** [BOE-list of attachments.pdf](#)

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Anne,

First, the password to the disc is: 987#wMk!EV90 Apologies for not getting that to you sooner.

Our current CBI issue is that we want to be sure we are in sync with you and Pat in terms of the specific documents. As one example, the list that you previously forwarded, and which I attached above, appears to have been compiled by EPA. We do not know if we have the photos for category 9 and want to be sure we understand which documents you are referencing in categories 17 through 19. As mentioned in prior emails, Bill and I are a bit hampered since the individuals who handled our CBI designations are not at our firm. Once we can identify and locate the particular CAA and CWA documents at issue, we can very promptly provide you with CBI responses.

Jon

Jonathan Cooperman

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**From:** Rauch, Anne [mailto:[Rauch.Anne@epa.gov](mailto:Rauch.Anne@epa.gov)]  
**Sent:** Wednesday, April 19, 2017 11:28 AM  
**To:** Cooperman, Jonathan <[JCooperman@KelleyDrye.com](mailto:JCooperman@KelleyDrye.com)>  
**Cc:** Miller, Patricia G. <[Miller.Patriciag@epa.gov](mailto:Miller.Patriciag@epa.gov)>  
**Subject:** RE: Clean Water Act Inspection Report

I had a phone conversation with Pat Miller to clarify the CBI issues relative to CWA v. CAA Information Request responses. Pat was on extended leave but she is available now. I think since there appears to be some confusion that it is best if we have a clear record on claims. I will send out a formal CBI substantiation request relative to documents submitted in response to the CAA 114 that blanket CBI claims were made in cover letters. You should contact Pat by email regarding the pending CWA claims. I would like to have clarification about the disc that I referred to in previous emails that we cannot open.

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**From:** Cooperman, Jonathan [mailto:[JCooperman@KelleyDrye.com](mailto:JCooperman@KelleyDrye.com)]  
**Sent:** Wednesday, April 19, 2017 8:35 AM

**To:** Rauch, Anne <Rauch.Anne@epa.gov>  
**Cc:** Guerry, William M. <WGuerry@KelleyDrye.com>  
**Subject:** RE: Clean Water Act Inspection Report

Anne, Tomorrow between 1 and 3 cst works best for us. Jon

Jonathan Cooperman

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**From:** Rauch, Anne [<mailto:Rauch.Anne@epa.gov>]  
**Sent:** Wednesday, April 19, 2017 7:59 AM  
**To:** Cooperman, Jonathan <[JCooperman@KelleyDrye.com](mailto:JCooperman@KelleyDrye.com)>  
**Subject:** RE: Clean Water Act Inspection Report

I am out of the office today – can we schedule something for tomorrow?

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**From:** Cooperman, Jonathan [<mailto:JCooperman@KelleyDrye.com>]  
**Sent:** Tuesday, April 18, 2017 5:00 PM  
**To:** Rauch, Anne <[Rauch.Anne@epa.gov](mailto:Rauch.Anne@epa.gov)>  
**Cc:** Miller, Patricia G. <[Miller.Patriciag@epa.gov](mailto:Miller.Patriciag@epa.gov)>; Marshall, Paul <[Marshall.Paul@epa.gov](mailto:Marshall.Paul@epa.gov)>; Guerry, William M. <[WGuerry@KelleyDrye.com](mailto:WGuerry@KelleyDrye.com)>  
**Subject:** RE: Clean Water Act Inspection Report

Anne,

Bill and I are having trouble with your request. We had two colleagues who handled the CBI designations, but one has left the firm and the other is now on a leave of absence. Do you have a time for a brief call tomorrow morning so that we can discuss this issue and make sure we are on the same page as EPA? I suggest 10 am cst, but we are flexible if you prefer another time.

Jon

Jonathan Cooperman

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**From:** Rauch, Anne [<mailto:Rauch.Anne@epa.gov>]  
**Sent:** Monday, April 10, 2017 2:03 PM  
**To:** Cooperman, Jonathan <[JCooperman@KelleyDrye.com](mailto:JCooperman@KelleyDrye.com)>

**Cc:** Miller, Patricia G. <[Miller.Patriciag@epa.gov](mailto:Miller.Patriciag@epa.gov)>; Marshall, Paul <[Marshall.Paul@epa.gov](mailto:Marshall.Paul@epa.gov)>

**Subject:** Clean Water Act Inspection Report

Good afternoon,

Attached please find the list of attachments to the CWA inspection report. I have circled four documents that have been previously claimed CBI and/or may have some limited basis for a potential claim. If you would like to have these documents treated as CBI please substantiate on or before April 14, 2017 using the factors set forth in the Agency's February 3, 2017 CBI Substantiation Request. I know the time frame for the response seems limited but EPA asked for this same information in an email from Pat Miller dated March 10, 2017 and have not received a response with the requested substantiation. Thank you in advance and please do not hesitate to contact me if you have any questions.

Anne Rauch  
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